

CHAPTER 741 Peddlers

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CROSS REFERENCES

Power to inspect food products--see Ohio R.C. 715.46
 Power to regulate--see Ohio R.C. 715.61 et seq.
 Home solicitation sales--see Ohio R.C. 1345.21 et seq.
 Charitable solicitations--see Ohio R.C. Ch. 1716
 Trespassing--see Ohio R.C. 2911.21
 Frozen desserts--see Ohio R.C. 3717.51 et seq.
 Littering--see GEN. OFF. 521.08
 Advertising by handbills--see BUS. REG. Ch. 705

741.01 LICENSE REQUIRED.

No person shall sell, offer for sale, barter or exchange any goods, wares or merchandise or secure or attempt to secure, orders or contracts for the furnishing of goods or services, or advertising goods, wares, or merchandise by distributing samples thereof or premiums either upon the streets, alleys, or public grounds of the City, or from door to door or place to place within the City without having obtained a license therefor in compliance with the provisions of this chapter.

(Ord. 05-173. Passed 6-28-05.)

741.02 APPLICATION INFORMATION.

Applicants for a license under this chapter, whether a person, firm or corporation, shall file with the Chief of Police a written sworn application signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation. The application shall show the following:

- (a) The name or names of the person or persons having the management or supervision of the applicant's business and of each person who will be engaged in such business within the City during the time that it is proposed that it will be carried on in the City; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;
- (b) The fingerprints and photograph of the person or persons having the management or supervision of the applicant's business and of each person who will be engaged in such business within the City;
- (c) The place or places in the City where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that such business shall be conducted;
- (d) The place or places, other than the permanent place of business of the applicant where the applicant within the six months next preceding the date of such application conducted any such business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- (e) Whether or not the person or persons having the management or supervision of the applicant's business, or any person who will be engaged in such business within the City have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;
- (f) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and
- (g) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing such business as the Chief of Police may deem proper to fulfill the purpose of this chapter in the protection of the public good.
(Ord. 05-173. Passed 6-28-05.)

741.03 INVESTIGATION; LICENSE ISSUANCE AND RECORD.

(a) Upon receipt of such application, the Chief of Police shall cause an investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation do not appear to be unsatisfactory, the Chief of Police shall so certify in writing, and a license shall be issued by the Chief of Police.

(b) The Chief of Police shall keep a full record in his office of all licenses issued. Such record shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where the business may be carried on under such license, and the name or names of the person or persons authorized to carry on the same.

(c) Licenses issued under this Chapter are not transferable.
(Ord. 05-173. Passed 6-28-05.)

741.04 POSTING AND EXHIBITION OF LICENSE.

The license issued under this chapter shall be posted conspicuously in the place of business if any is named therein. In the event that an applicant for a license shall desire to do business in more than one place within the City, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business. Each person engaged in such business, conduct or activity, shall obtain a separate copy of such license and, while engaged in such business, conduct or activity, shall carry such license with him and shall exhibit the same upon request of any person.

(Ord. 05-173. Passed 6-28-05.)

741.05 FEES.

Licenses under this chapter shall pay a fee of twenty-five dollars (\$25.00). An additional fee of five dollars (\$5.00) shall be charged for each additional copy of any such license.

(Ord. 05-173. Passed 6-28-05.)

741.06 LOUD NOISES AND SPEAKING DEVICES.

No licensee under this chapter, nor anyone in his behalf shall shout, make any outcry, blow a horn, ring a bell or use any other sound device including any loud speaking radio or amplifying system, for the purpose of attracting attention to any goods, wares, merchandise or services which such licensee proposes to sell or furnish, upon any of the streets, alleys, parks or other public places of the City, or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys, parks or other public places.

(Ord. 05-173. Passed 6-28-05.)

741.07 DUTY OF POLICE TO ENFORCE.

The police officers of the City shall examine all places of business and persons in their respective territories subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating the same.

(Ord. 05-173. Passed 6-28-05.)

741.08 REVOCATION OF LICENSE; HEARING.

(a) The permits and licenses issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise, or the furnishing of services;
- (3) Any violation of this chapter;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

(Ord. 05-173. Passed 6-28-05.)

741.09 EXPIRATION OF LICENSE.

All licenses issued under the provisions of this chapter shall expire ninety days after the date of issuance thereof unless a prior date is fixed therein.

(Ord. 05-173. Passed 6-28-05.)

741.10 EXCEPTIONS AND LICENSE RENEWAL.

No renewal of any license required by this chapter shall be required so long as the licensee shall remain continuously engaged in business within the City, following the expiration of any such license previously obtained. However, cessation or discontinuance of such business in the City for a continuous period of more than thirty days shall necessitate the renewal of any such license and the payment of the prescribed fee therefor prior to the reinstitution of such business.

(Ord. 05-173. Passed 6-28-05.)

741.11 EXEMPTIONS.

The requirements of this chapter shall not apply to any of the following:

- (a) Any owner of any product of his own raising or the manufacturer of any article manufactured by him or the agent of any such owner or manufacturer;
- (b) Any charitable, benevolent or educational organization or corporation, or the agent or employee thereof engaged only in temporary or occasional projects for the obtaining of funds for use in furtherance of such charitable, benevolent or educational purposes;
- (c) Any person, firm or corporation who engages in the business or activity described in Section 741.01 only at the invitation or request of the persons with whom such business is transacted.

(Ord. 05-173. Passed 6-28-05.)

741.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree.

(Ord. 05-173. Passed 6-28-05.)

BUSINESS REGULATIONS CODE

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